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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS MICHAEL W. DOBBINS
EASTERN DIVISION CLERK, U.S. DISTRICT COURT
WILLIAM KENNELLY

UNITED STATES OF AMERICA) No. 09 CR 1058 JUDGE KENNELLY
)
) v.) Violations: Title 18, United States
)) Code, Sections 922(a)(1)(A);
)) Title 22, United States Code,
)) Sections 2778(b)(2) and (c).
)
ROGELIO BARAJAS)
)

COUNT ONE

MAGISTRATE JUDGE SCHENKIER

The SPECIAL AUGUST 2009-1 GRAND JURY charges:

Beginning no later than in or about December 2007 and continuing until on or about March 16, 2010, at Dundee, in the Northern District of Illinois, Eastern Division, and elsewhere,

ROGELIO BARAJAS,

defendant herein, did willfully engage in the business of dealing in firearms and, in the course of such business, did willfully ship and transport firearms in interstate and foreign commerce;

In violation of Title 18, United States Code, Section 922(a)(1)(A).

COUNT TWO

The SPECIAL AUGUST 2009-1 GRAND JURY further charges:

1. The Arms Export Control Act ("AECA"), 22 U.S.C. § 2778(a)(1), authorizes the President of the United States to control the import and export of "defense articles," and further authorizes the President to designate those items which shall be considered as "defense articles."
2. Pursuant to this authorization, the President has designated defense articles to include, among other articles:

Nonautomatic and semi-automatic firearms to caliber .50 inclusive (12.7 mm). Fully automatic firearms to .50 caliber inclusive (12.7 mm). ...

Title 22, Code of Federal Regulations, Section 121.1.

3. Title 22, United States Code, Section 2778(b)(2), further provides that no defense articles may be exported or imported without a license for such export or import.
4. Title 22, United States Code, Section 2778(c) further provides that a person who willfully violates any provision of Title 22, United States Code, Section 2778, or any rule or regulation issued thereunder, commits a criminal violation.
5. In or about March 2010, at Dundee, in the Northern District of Illinois, Eastern Division, and elsewhere,

ROGELIO BARAJAS,

defendant herein, willfully attempted to export defense articles, namely:

- a. a Browning Buckmark .22 caliber handgun bearing serial number

515MN21677, and

b. a Ruger .22 caliber rifle bearing serial number 35480893,

without a license for such exports;

In violation of Title 22, United States Code, Sections 2778(b)(2) and (c).

FORFEITURE ALLEGATION

The SPECIAL AUGUST 2009-1 GRAND JURY further charges:

1. The allegations contained in Count Two of this Indictment are realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 22, United States Code, Section 401(a).

2. As a result of his violation of Title 22, United States Code, Sections 2778(b)(2) and (c), as alleged in Count Two of the foregoing Indictment,

ROGELIO BARAJAS,

defendant herein, shall forfeit to the United States, pursuant to Title 22, United States Code, Section 401(a), any and all right, title, and interest he may have in any property involved in the charged offenses.

3. The interest of the defendant subject to forfeiture pursuant to Title 22, United States Code, Section 401(a), includes:

- a. a Browning Buckmark .22 caliber handgun bearing serial number 515MN21677, and
- b. a Ruger .22 caliber rifle bearing serial number 35480893.

All pursuant to Title 22, United States Code, Section 401(a).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY